



FRIENDS OF THE OUTLET, INC.
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219445

To protect and preserve. lake to lake and rim to rim

June 04, 2007

Mr Vernon A Williams

Secretary

Surface Transportation Board

395 E Street, S W

Washington, DC 20423-0001

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JUN 04 2007

**SURFACE
TRANSPORTATION BOARD**



Re Finger Lakes Railway Abandonment in Yates County, New York, STB DOCKET NO. AB-1005X

Dear Mr Williams

This request is filed on behalf of The Friends of the Outlet, Inc , a 501-c-3 organization and land trust that owns and manages 5.7 miles of a 7-mile long "rail trail" that is only several blocks away from the segment of rail line for which the Finger Lakes Railway seeks an "Abandonment Exemption" in order to salvage track, ties and other railroad appurtenances and dispose of the right-of-way. The Friends of the Outlet, Inc , is herein after referred to as 'proponent ' Proponent is dedicated to conservation and is interested in providing safe, off-road alternatives for transportation and outdoor recreation in the area

While not taking a position on the merits of this abandonment, proponent requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between milepost 41.35 and milepost 46.3

A Public Use Condition

Proponent requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment

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1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except of public use on reasonable terms. The justification for this condition is as follows.
 - (a) The corridor in question provides an excellent and much needed alternative transportation route: At the south end of the rail line segment, the rail corridor in question, as a trail, will safely connect the rural community, composed largely of Mennonites (over 70 households within 2 miles, on each side of the corridor) who use predominantly bicycles and buggies, to the Village of Penn Yan, whereas at present this population must use the narrow shoulders of NYS Route 14A, which is a busy and dangerous highway. (b) At the south end, via a few short blocks through the Village of Penn Yan, the rail corridor in question, as a trail, will connect users to one of New York State's "10 Best Rail Trails" (the Keuka Outlet Trail) which is already used as a transportation route for the same rural population that lives east of the Village. (c) The corridor will make an excellent recreational trail: The rail corridor in question will provide a much needed recreational resource for the County's many tourists, who come to stay in the popular Finger Lakes Region for weekends or for longer vacations, and who need more trails on which to ride or hike. (d) At the north end of the rail line segment, the rail corridor, as a trail, will take users approximately five miles closer to an extensive rail trail and canal trail system in the adjacent county of Ontario, New York. (e) The south end of the rail corridor is adjacent to the future home of the Yates Community Center (Yates Cultural and Recreational Resources, Inc.), which seeks to offer outdoor as well as indoor recreational/fitness opportunities for the community and which could provide direct access to/from a multiple use trail. (f) Conversion of the property to trail use is in accordance with regional plans and interests; and we understand a state agency (NYS Office of Parks, Recreation and Historic Preservation) intends to file and a statewide organization (Parks and Trails New York) has expressed strong support for the project to us and the NYS OPRHP. (g) The corridor will remain open space with some wetter lands and at least "hedgerow" habitat on both sides — much needed in this agricultural area where crop fields are often pushed to the limits and hedgerows and water resources are rapidly disappearing. (h) As a trail, the corridor will be viewed as a lifestyle amenity that will help attract new professionals and employers to the area and thereby contribute to the region's economic development.

The time period sought is 180 days from the effective date of the abandonment authorization

Proponent needs this much time because we have not had time to review the trail corridor in detail and

- develop a trail plan, assemble or review title information, or commence negotiations with the carrier
- 2 An order barring removal or destruction of potential trail-related structures such as bridges, trestles, or culverts The justification for this condition is that these structures have considerable value for recreational trail purposes The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above

B Interim Trail Use

The railroad right-of-way in this proceeding is suitable for ownership by a qualified, incorporated not-for-profit, should the carrier wish to transfer ownership, or for railbanking In addition to the public use conditions sought above, Proponent also makes the following statement and request for railbanking.

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U S C. 1247(d), and 49 C F R. 1152.29, the Friends of the Outlet, Inc , is willing to assume full financial responsibility for management of, for any legal liability arising out of the transfer or use of or for indemnifying the railroad against any potential liability (should the Friends of the Outlet, Inc., become owners and then operate the trail for the public under the conditions specified under New York State's recreational use statute, the General Obligations Law, and hence be "immunized" against liability under that statute), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by the Finger Lakes Railway

The property, known as the Watkins Glen – Penn Yan Line, extends from railroad milepost 41.35 in the Village of Penn Yan to MP 46.3, near the hamlet of Bellona in the Town of Benton, a distance of 4.95 miles in Yates County, New York The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-1005X


A map depicting the right-of-way is attached

The Friends of the Outlet, Inc , acknowledges that use of the right-of-way is subject to the user continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service

By my signature below, I certify service upon the Finger Lakes Railway Corp , Eric M Hocky, Esq , Gollatz, Griffin, & Ewing, P C , Four Penn Center, Suite 200, 1600 John F Kennedy Blvd , Philadelphia, PA 19103, (215) 665-9988, by fax transmission on June 4th, 2007

As a land trust and 501-c-3 organization, the Friends of the Outlet, Inc , respectfully requests waiver of the filing fee

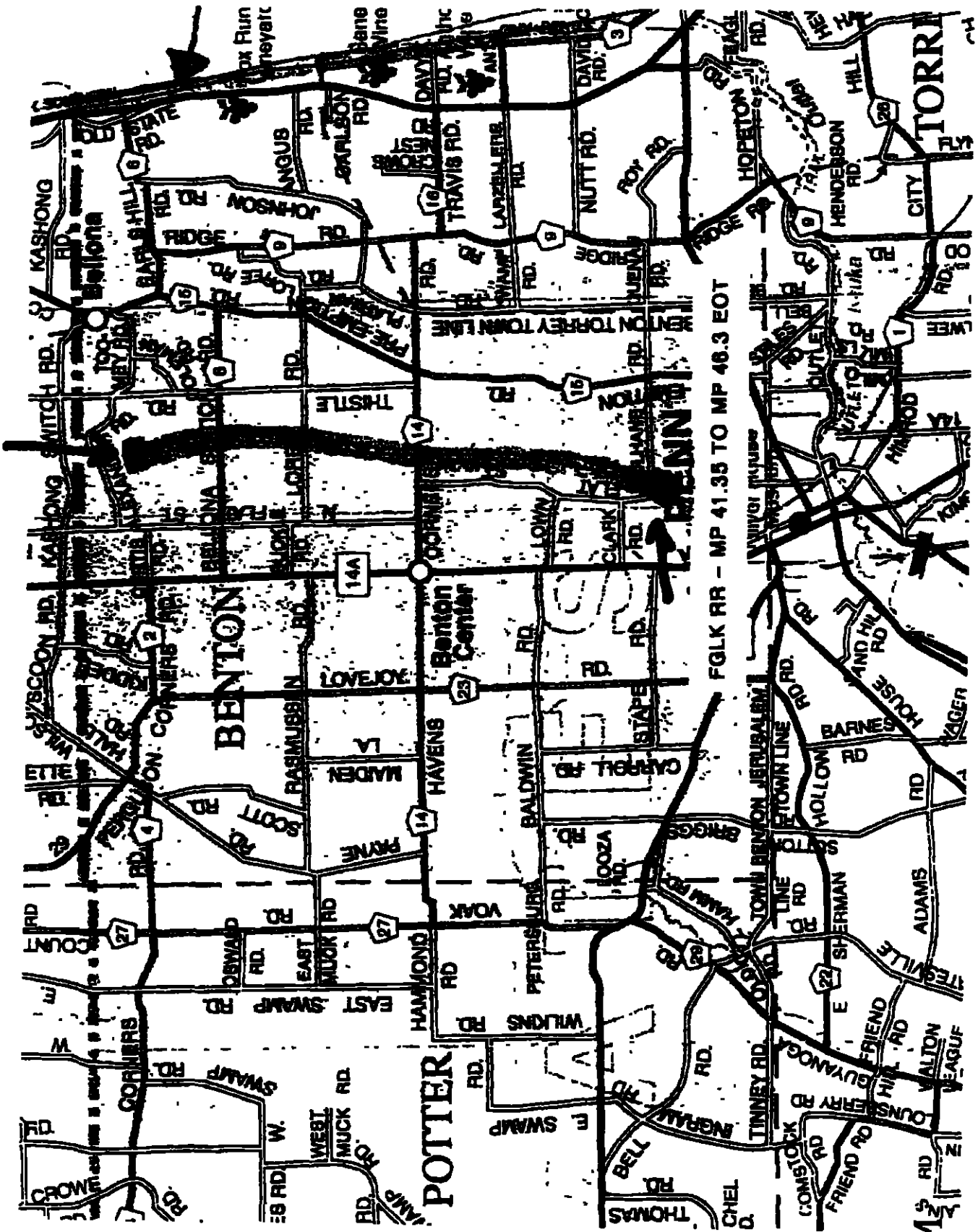
Respectfully submitted,

A handwritten signature in black ink that reads "Lynda J. Rummel". The signature is written in a cursive style with a large, stylized 'L' and 'R'.

Lynda J Rummel
Past President and Corresponding Secretary

On behalf of The Friends of the Outlet, Inc

NORFOLK SOUTHERN CORNING SECONDARY



Re: STB DOCKET NO. AB-1005X